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**PATENT** 

### IPLM Group, P.A. P.O. Box 18455 Minneapolis, MN 55418 612-331-7400 telephone 612-331-7401 facsimile

# FACSIMILE TRANSMITTAL LETTER

Attorney Docket No. Serial No. 151P11332US01 10/698,952

MS: Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Response to Restriction Requirement [3 pages]

TOTAL NO. OF PAGES: 4

Sent to Facsimile No.: <u>571-273-8300</u> Examiner Phone No.: 571-272-3383

| In re Application of:   | Ari Moskowitz  |           |              |
|-------------------------|--|-----------|--------------|
| Serial No.:             | 10/698,952   | Examiner: | Bhisma Mehta |
| Confirmation No.:       | 8828   | Art Unit: | 3767         |
| Filed:                  | October 30, 2003   |           |              |
| For:                    | APPARATUS AND METHOD FOR CATHETERIZING THE DURA OF A PATIENT USING A DURAL PATCH |           |              |
| We are transmitting the | following documents:   | ,         |              |
|                         | ū  |           | •            |
| Facsimile Transmittal L | etter [1 page]   |           |              |

Please charge Deposit Account 50-0549 for any fees under 37 CFR §1.16 and §1.17 that may be required during the pendency of this application. This authorization includes the fee for any extension of time under 37 CFR §1.136(a) that may be necessary. To the extent any such extension should become necessary it is hereby rcquested.

|  |   | Respectfully submitted,   |
|--|---|---|
| Registration No.<br>28,052                     | Direct Dial<br>612-331-7405   | cielle Do   |
| Date: July 5, 2006                             |   | William D. Bauer  |
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| July 5, 2006                                   |   | April D. Kaplan   |

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### JUL 0 5 2008

**PATENT** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Ari Moskowitz.

Examiner:

Bhisma Mehta

Serial No.:

10/698,952

Group Art Unit:

3767

Filed:

October 30, 2003

Confirmation No.:

8828

Docket No.:

151-P-11332US01

Title:

APPARATUS AND METHOD FOR CATHETERIZING THE DURA OF A

PATIENT USING A DURAL PATCH

#### RESPONSE TO RESTRICTION REQUIREMENT

MS: Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

Dear Sir:

This election is in response to an Office Action containing an Election/Restriction Requirement mailed June 21, 2006, carrying a shortened statutory period of response of one month expiring July 21, 2006.

#### Restriction

Restriction has been requested from among the following Groups of claims:

Group I:

Claims 1-9, drawn to a catheter and seal; and

Group II:

Claims 10-18, drawn to a method for catheterizing the dura of a patient.

The asserted grounds for separating these groups are:

|                                  | that this correspondence is being sent by facsimile to the telephone number<br>ner for Patenta, Washington, D.C. 20231 on the below indicated date. |
|----------------------------------|---|
| To Facsimile Number 571-273-8300 | Signature<br>April D. Kaplen  |
| Date: July 5, 2006               | April D. Kaplan   |

Serial No.: 10/698,952

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product... In the instant case, the product as claimed can be used in a materially different process such as laparoscopic surgery.

While the claims of Group I are distinct and patentable over the claims of Group II, and vice versa, it is respectfully submitted that the invention should, nevertheless, be examined together. The two inventions are classified in Class 604 and should be searchable together.

Nevertheless, applicant elects the claims of Group I, namely claims 1-9, with traverse. Reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

Serial No.: 10/698,952

### Summary

Favorable examination and allowance are respectfully requested. The Examiner is encouraged to telephone the undersigned attorney if there are any questions regarding this application.

Respectfully submitted,

ARI MOSKOWITZ

Date: July 5, 2006

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WDB:adk